

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

|  |   |                     |
|--|---|---------------------|
| Jaclyn Passarelli,                       | ) |                     |
|  | ) |                     |
| Plaintiff,                               | ) |                     |
| vs.                                      | ) | Case No.: 07 C 6407 |
|  | ) |                     |
| Professional Neurological Services, Ltd. | ) | Judge Kennelly      |
|  | ) |                     |
| Defendant                                | ) |                     |

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**MOTION FOR SUMMARY JUDGMENT**

Professional Neurological Services, Ltd. (PNS), the Defendant, by counsel, pursuant to Rule 56 of the Federal Rules of Civil Procedure, respectfully requests that that this Court enter judgment for Defendant and against Plaintiff.

This motion is based on the Complaint, the attached affidavit of Matthew G. Garoufalis, and the pleading and papers filed in this proceeding and is brought on the grounds that Defendant is entitled to judgment as a matter of law in that there is no genuine dispute as to the material facts identified in the Statement of Undisputed Material Facts submitted with this motion.

By reason of the foregoing the Defendant is entitled to judgment as a matter of law, in that:

- a. Jaclyn Passarelli, the Plaintiff, is not an eligible employee within the meaning of the Family Medical Leave Act.

- b. The Defendant, Professional Neurological Services, Ltd., is not a non-exempt employer with the meaning of the Family Medical Leave Act.
- c. The son of the Plaintiff is not a dependent child within the meaning of the Family Medical Leave Act.
- d. The son of the Plaintiff did not suffer a serious injury within the meaning of the Family Medical Leave Act.
- e. The Defendant did not request leave conforming to her responsibility under the Family Medical Leave Act to provide the least inconvenience to her employer.

WHEREFORE Professional Neurological Services, Ltd., the Defendant, prays for an order and judgment in favor of the Defendant and against Plaintiff and for an order dismissing the Complaint herein with prejudice, and for an award of the costs of Defendant herein.

s/Richard E. Steck

Richard E. Steck  
Attorney for Defendant

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